

Assembly Joint Resolution

No. 3

Introduced by Assembly Member Jerome Horton

January 22, 2003

Assembly Joint Resolution No. 3—Relative to student financial aid.

LEGISLATIVE COUNSEL'S DIGEST

AJR 3, as introduced, Jerome Horton. Student financial aid: Higher Education Act of 1965.

This measure would memorialize the Congress and the President of the United States to repeal a provision of the 1998 amendments to the federal Higher Education Act of 1965 that denies or delays access to financial aid based upon convictions for drug-related offenses.

Fiscal committee: no.

1 WHEREAS, A provision in the 1998 amendments to the federal
2 Higher Education Act of 1965 mandates that students convicted of
3 any drug-related offense, without regard to the nature of the
4 offense or the offender, be denied eligibility for financial aid for
5 periods ranging from one year to indefinitely; and

6 WHEREAS, Question number 35 on the Free Application for
7 Federal Student Aid (FAFSA) for 2002 reads: “Have you ever
8 been convicted of possessing and selling illegal drugs?”; and

9 WHEREAS, The request for this information discourages
10 needy California students with even minor offenses from
11 completing the required financial aid application forms; and

12 WHEREAS, The completion of a FAFSA is a requirement for
13 consideration for financial aid from the Cal Grant program, from

1 campus-based institutional aid programs, and from state-run loan
2 assumption programs; and

3 WHEREAS, No other class of offender, including those
4 convicted of rape or other violent offenses, faces a similar
5 restriction on grant aid or student loan eligibility or faces a specific
6 question on the financial aid application; and

7 WHEREAS, This provision will, as a result of disproportionate
8 drug enforcement among sectors of California's population,
9 primarily impact communities of low to moderate economic
10 means and minority populations with limited higher education
11 opportunities; and

12 WHEREAS, To the extent that the federal government involves
13 itself in higher education, it should be focused on making it easier,
14 not more difficult, for citizens to educate themselves; and

15 WHEREAS, Higher education is an important factor in
16 allowing people to become more productive, well-rounded
17 citizens, and higher education opportunities in California have
18 never been restricted on the basis of the past mistakes or legal
19 troubles of students; now, therefore, be it

20 *Resolved by the Assembly and Senate of the State of California,*
21 *jointly,* That the Legislature of the State of California
22 memorializes the Congress and the President of the United States
23 to repeal subsection (r) of Section 484 of the Higher Education Act
24 of 1965 (20 U.S.C. Sec. 1091(r)), which denies or delays access
25 to financial aid based upon convictions for drug-related offenses;
26 and be it further

27 *Resolved,* That the Chief Clerk of the Assembly transmit copies
28 of this resolution to the President and Vice President of the United
29 States, the Speaker of the United States House of Representatives,
30 and each representative and senator from California in the
31 Congress of the United States.

